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Attorney for Plaintiff, MATTHEW ROGALSKI

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MATTHEW ROGALSKI, Plaintiff, v. NANCY A. BERRYHILL, Commissioner of Social Security, Defendant	CASE NO. 16-cv-5072-RS STIPULATION AND ORDER APPROVING SETTLEMENT OF ATTORNEY FEES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT
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IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of FOUR THOUSAND DOLLARS AND 00/CENTS (\$4,000.00). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920, 2412(d).

After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees and expenses [and costs] to Plaintiff's attorney. Pursuant to *Astrue v. Ratliff*, 560 US 586 (2010), the ability to honor the

1 assignment will depend on whether the fees, expenses are subject to any offset allowed under the
2 United States Department of the Treasury's Offset Program. After the order for EAJA fees and
3 expenses is entered, the government will determine whether they are subject to any offset.

4 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury
5 determines that Plaintiff does not owe a federal debt, then the government shall cause the
6 payment of fees, expenses and costs to be made directly to Katherine Siegfried, pursuant to the
7 assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

8 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees
9 and expenses, and does not constitute an admission of liability on the part of Defendant under the
10 EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any
11 and all claims that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees
and expenses in connection with this action.

12 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act
13 attorney fees under 42 U.S.C. § 406, subject to the provisions of the EAJA.

14 Respectfully submitted,

15 Dated: 9/18/2017

16 /s/ Katherine Siegfried
KATHERINE SIEGFRIED
Attorney for Plaintiff
MATTHEW ROGALSKI

18
19 Dated: 9/18/2017

20 PHILLIP A. TALBERT
Acting United States Attorney
DEBORAH LEE STACHEL
Regional Chief Counsel, Region IX
Social Security Administration

22 /s/ Sharon Lahey
23 SHARON LAHEY
Special Assistant United States Attorney
24 Attorneys for the Defendant
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3 **IT IS SO ORDERED:**

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5 **Dated:** 9/18/17

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HONORABLE JUDGE RICHARD SEEBORG